

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW PERRONG, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

LIFE CORPORATION,

Defendant.

Civil Action No. 2:21-cv-02188-JMY

**DEFENDANT LIFE CORPORATION'S
REPLY TO PLAINTIFF'S NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF HIS MOTION TO COMPEL**

Defendant Life Corporation,¹ by and through its undersigned attorney,
hereby submits the following reply to Plaintiff's Notice of Supplemental Authority
in Support of his Motion to Compel (ECF 26).

The decision in *Perrong v. Victory Phones, LLC*, Civil Action No. 20-cv-5317 (E.D. PA), is not "nearly identical" to this case. Defendant Victory Phones' opposition to Mr. Perrong's Motion to Compel did not assert the same arguments made here by Defendant. For example, Victory Phones did not argue, as

¹ As asserted in its Answer (ECF No. 11), any calls to Mr. Perrong would have been made by Life Corporation's affiliate, Voice Broadcasting, Inc., not by Life Corporation. Therefore, Life Corporation is an improper defendant. *Id.* at p. 6.

Defendant has done here, that Mr. Perrong's request is clearly an impermissible attempt to fish for additional claims that Plaintiff himself could not bring and for a class that he could not represent. *See* ECF 25 (Opp. at 4, 6). Victory Phones also did not argue and demonstrate, as Defendant here has done, that because the sources and circumstances of each survey vary from one to the next (*See* ECF No. 25-1, Valdez Decl. at ¶ 7), such that—even if determined to be appropriate and relevant—any production should be limited to the particular survey in which Plaintiff was allegedly contacted. *See* ECF 25 (Opp. at 8).

Thus, the *Perrong v. Victory Phones, LLC* decision does not support Mr. Perrong's arguments in this case.

Dated: April 15, 2022

Respectfully submitted,

/s/ Ezra D. Church
MORGAN, LEWIS & BOCKIUS LLP
Ezra Dodd Church
1701 Market Street
Philadelphia, Pennsylvania 19103-2921
(215) 963-5710 (telephone)
(215) 963-5001 (facsimile)
ezra.church@morganlewis.com

CERTIFICATE OF SERVICE

I certify that on this 15th day of April, I caused the foregoing Reply to Plaintiff's Notice of Supplemental Authority in Support of his Motion to Compel to be served upon all counsel of record via the Court's CM/ECF system.

/s/ Ezra D. Church

Ezra D. Church